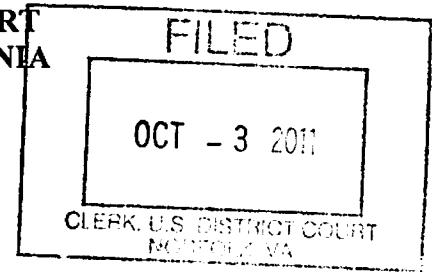


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



**SCHOOL BOARD OF THE CITY
OF NEWPORT NEWS, and SELECTIVE
INSURANCE COMPANY OF AMERICA,
as Subrogee of School Board of the City of
Newport News,**

Plaintiffs,

v.

Case No. 4:11-cv-79

T.R. DRISCOLL, INC.,

Defendant.

MEMORANDUM OPINION

Pending before the Court is an unopposed Report and Recommendation (ECF No. 38) in which Magistrate Judge Tommy E. Miller concluded that (1) Defendant's Motion to Join Selective Insurance Company of America as a Party Plaintiff (ECF No. 20) should be granted; (2) the School Board of the City of Newport News should be directed to file a Notice with the address for Selective Insurance Company of America; and (3) Selective Insurance Company of America should be ordered to associate counsel within fourteen days of receiving a copy of the order joining them as a party to the action. ECF 20 at 3.

The parties were also advised that if timely objections were not filed, the right to appeal from a judgment based upon the findings and recommendations would be construed as waived. Id. at 4 (citing Thomas v. Arn, 474 U.S. 140 (1985); Carr v. Hutto, 737 F.2d 433 (4th Cir. 1984); United States v. Schronce, 727 F.2d 91 (4th Cir. 1984)).

This Court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1).

“The filing of objections to a magistrate’s report enables the district judge to focus attention on those issues—factual and legal—that are at the heart of the parties’ dispute.” Arm, 474 U.S. at 147. In the absence of a specific written objection, this Court may adopt a Magistrate Judge’s recommendations without conducting a de novo review, unless the recommendations are clearly erroneous or contrary to law. Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982) (citations omitted); see also Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 316 (4th Cir. 2005).

The Report and Recommendation is before this court without objection. Finding no clear error, the Report and Recommendation is adopted in its entirety. Defendant’s Motion to Join Selective Insurance Company of America as a Party Plaintiff (ECF No. 20) is granted; the School Board of the City of Newport News is directed to file a Notice with the address for Selective Insurance Company of America; and Selective Insurance Company of America is ordered to associate counsel within fourteen days of receiving a copy of this Memorandum Opinion and the accompanying Order.

Also pending is an unopposed Motion for Leave to file an Amended Complaint. ECF No. 39. By separate accompanying Order, this motion is also granted.


ARENDAL. WRIGHT ALLEN
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
September 30, 2011